



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

December 2, 2020

By ECF

The Honorable Jesse M. Furman
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *New York v. Chad F. Wolf, et al.*, No. 20 Civ. 1127 (JMF) (S.D.N.Y.)
Lewis-McCoy, et al. v. Chad Wolf, et al., No. 20 Civ. 1142 (JMF) (S.D.N.Y.)

Dear Judge Furman:

This Office represents the defendants in the above-referenced actions. We write in accordance with Your Honor's Individual Rule 7(C)(iii) to request a protective order pursuant to Federal Rule of Civil Procedure 5.2(e), permitting defendants to redact privileged material on the public docket, while submitting that material to the Court for its *ex parte* review.

Today, consistent with defendants' November 24, 2020, letter, Dkt No. 130,¹ defendants will file a declaration from U.S. Customs and Border Protection ("CBP") official Pete R. Acosta, which explains how the Commonwealth of the Northern Mariana Islands and American Samoa were not identified in defendants' previous filings as jurisdictions that did not provide DMV information via Nlets. Mr. Acosta's declaration contains a small amount of material that CBP previously withheld from other filings pursuant to the attorney client privilege and work product protection. *See* ECF No. 113 at 2; ECF No. 113-1 ¶¶ 15, 17; ECF No. 113-2 ¶ 13. Accordingly, and for the same reasons, *see* ECF No. 117 at 5, 11, 16-22, CBP is withholding portions of the Acosta Declaration pursuant to those privileges, and respectfully requests permission to file a redacted declaration on the public docket, while submitting an unredacted version for the Court's *ex parte* review. Plaintiffs opposed redaction of this material from defendants' earlier filings.

We thank the Court for its consideration of this request.

¹ Docket numbers refer to the docket of *New York v. Wolf*, No. 20 Civ. 1127 (JMF) (S.D.N.Y.).

Respectfully submitted,

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